

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Verrier *et al.*

Appl. No.: 10/762,575

Filed: January 23, 2004

For: **Kit for Transvenously Accessing
the Pericardial Space Via the right
Atrium**

Confirmation No.: 3034

Art Unit: 3763

Examiner: Mendez, Manuel A.

Atty. Docket: 1565.0020003

Reply to Restriction Requirement and Election of Species

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the Office Communication dated March 20, 2008, requiring election of one species to prosecute in the above-referenced patent application, Applicants hereby provisionally elect to prosecute claims 25-41, which are directed to the embodiments described in the specification with reference to FIGS. 9 and 10. This election is made without prejudice to or disclaimer of the subject matter of the non-elected claims. Applicants reserve the right to file one or more divisional applications directed to the non-elected inventions/species.

This election is made WITH TRAVERSE. Elected claims 25-41 are directed toward a dual guide wire system that comprises, *inter alia*, an infusion guide wire (e.g., infusion guide wire 1002) and a leading guide wire (e.g., leading guide wire 1003). Non-elected claims 1-24 are directed toward a kit that comprises, *inter alia*, an infusion guide wire (e.g., infusion guide wire 1002), a leading guide wire (e.g., leading guide wire 1003), and a guide catheter (e.g., guide catheter 401). Both groups of claims are directed toward the embodiment of the invention described, for example, at paragraphs 0068-0095 with reference to FIGS. 9 and 10.

An alternate embodiment of the invention is described at paragraphs 0047-0067 and is shown in FIGS. 3 and 4. This alternate embodiment includes, *inter alia*, a needle catheter 402 and guide wire 403. This alternate embodiment of the invention is not the focus of claims 1-41.

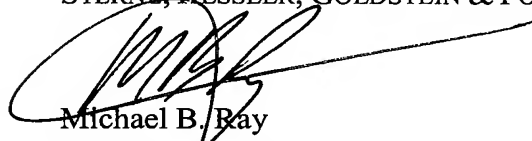
It is respectfully submitted that claims 1-25 are not directed toward a separate species but are directed toward the same species of the invention as are claims 26-41. Search and examination of both of these groups of claims in a single application will not require any additional search or undue consideration by the Examiner. Accordingly, it is respectfully requested that the Examiner reconsider and withdraw this election requirement and that all claims be examined in the instant application.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees

required therefor are hereby authorized to be charged to our Deposit Account No.
19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read "MBR", is written over the printed name of Michael B. Ray.

Michael B. Ray
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Registration No. 33,997

Date: 21 April 2008

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